

CHAITMAN LLP

Helen Davis Chaitman
hchaitman@chaitmanllp.com
465 Park Avenue
New York, New York 10022
Phone & Fax: 888-759-1114

Attorneys for Defendants-Appellants

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,
Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ESTATE OF SEYMOUR EPSTEIN,
MURIEL EPSTEIN, as beneficiary of the Estate of
Seymour Epstein and/or trusts created by the Last
Will and Testament of Seymour Epstein, as
executor of the Estate and/or trustee of the Trusts
created by the Last Will and Testament of Seymour
Epstein, HERBERT C. KANTOR, trustee of the
Trusts created by the Last Will and Testament of
Seymour Epstein, and SHELBYNE SHIRT
COMPANY, INC.,

Defendants-Appellants.

Adv. Pro. No. 10-04438 (CGM)

Appeal No. 1:21-cv-02334-CM

SECOND AMENDED DESIGNATION OF ITEMS TO BE INCLUDED IN THE
RECORD

Pursuant to Federal Rule of Bankruptcy Procedure 8009, and in connection with the Notice of Appeal filed on March 15, 2021, (ECF No. 172), Appellants Estate of Seymour Epstein, Muriel Epstein, as executor of the Estate and trustee of the Trusts created by the Last Will and Testament of Seymour Epstein, and Jane Epstein, Randy Austin, and Susan Gross as successor co-trustees to Herbert C. Kantor, as trustee of the Trusts created by the Last Will and Testament of Seymour Epstein, (collectively, the “Appellants”) hereby designate the items to be included in the record on appeal to the United States District Court for the Southern District of New York from the Bankruptcy Court:

Filing Date	ECF No.	Docket Text
11/30/2010	1 Case No.: 10-04438-cgm	Complaint against Estate of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc. . Nature(s) of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)), (14 (Recovery of money/property - other)) (Filing fee \$250.00, Receipt # 635 CHARGE TO THE ESTATE) Filed by Richard J. Bernard, Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Bernard, Richard) Modified on 12/2/2010 (Slinger, Kathy). (Entered: 11/30/2010)

Filing Date	ECF No.	Docket Text
03/10/2011	7 (3 pgs) Case No.: 10-04438-cgm	Statement / <i>Notice Of Extended Response Due Date</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Hirschfield, Marc) (Entered: 03/10/2011)
03/11/2011	8 (3 pgs) Case No.: 10-04438-cgm	Statement / <i>Notice of Extended Response Due Date</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Hirschfield, Marc) (Entered: 03/11/2011)
05/16/2011	4072 (60 pgs) Case No.: 08-01789-cgm	Trustee's Interim Report / <i>Trustee's Fifth Interim Report For The Period Ending March 31, 2011</i> filed by David J. Sheehan on behalf of Irving H. Picard. (Sheehan, David) (Entered: 05/16/2011)
06/14/2011	11 (4 pgs) Case No.: 10-04438-cgm	So Ordered Stipulation signed on 6/14/2011 Between Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and Defendants Estate of Seymour Epstein, Muriel Epstein, Herbert C. Kantor, Randy Epstein Austin, Robert Epstein, Jane Epstein, Susan Epstein Gross and Shelburne Shirt Company, Inc. RE: Extension of Time to Respond. (Saenz De Viteri, Monica) (Entered: 06/14/2011)
06/30/2011	12 (11 pgs) Case No.: 10-04438-cgm	Stipulation <i>Extending Time to Respond and Designating Email Address Upon Which to Serve Defendants</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Hirschfield, Marc) (Entered: 06/30/2011)
09/27/2011	13 (9 pgs) Case No.: 10-04438-cgm	Stipulation <i>Extending Time to Respond and Designating Email Address Upon Which to Serve Defendants</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 09/27/2011)

Filing Date	ECF No.	Docket Text
11/02/2011	14 Case No.: 10-04438-cgm	Motion to Withdraw the Reference <i>Joinder</i> filed by Helen Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein.(Attachments: 1Exhibit 1) (Chaitman, Helen) (Entered: 11/02/2011)
11/07/2011	1 Case No.: 1:11-cv-07965-JSR	MOTION TO WITHDRAW THE BANKRUPTCY REFERENCE. Bankruptcy Court Case Numbers: 10-4438A, 08-1789 (BRL).Document filed by Randy Epstein Austin, Muriel Epstein, Herbert C. Kantor, Susan Epstein Gross, Jane Epstein, Robert Epstein, Shelburne Shirt Company, Inc., Estate of Seymour Epstein. (Attachments: # 1 Exhibit 1)(bkar) (Entered: 11/07/2011)
12/08/2011	16 (13 pgs) Case No.: 10-04438-cgm	Stipulation Stipulation Extending Time to Respond and Designating Email Address upon Which to Serve Defendants (related document(s)3, 1) filed by Helen Chaitman on behalf of Estate of Seymour Epstein, Herbert C.Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Chaitman, Helen) (Entered: 12/08/2011)

Filing Date	ECF No.	Docket Text
02/01/2012	17 (14 pgs) Case No.: 10-04438-cgm	Stipulation / <i>Stipulation Extending Time to Respond to March 16, 2012</i> filed by Marc E. Hirschfield on behalf of Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein. (Hirschfield, Marc) (Entered: 02/01/2012)
02/28/2012	10 Case No.: 1:11-cv-07766-JSR	ORDER. On December 21, 2011, defendant James Greiff moved to consolidate his case with those of over 120 other defendants and to apply all rulings in his case to those other cases nunc pro tunc. Having now fully considered the matter, the Court hereby denies Greiff's motion. Instead, on consent of the parties, the Court hereby consolidates Picard v. Abel, 11 Civ. 7766, with all cases listed in Exhibit 3 to the Declaration of Oren J. Warshavsky dated December 30, 2011 except for Picard v. Greiff, 11 Civ. 3775, Picard v. Joan Roman, 11 Civ. 7936, Picard v. Robert Roman, 11 Civ. 7937, Picard v. P & S Associates, 11 Civ. 8222, and Picard v. S & P Associates, 11 Civ. 8223. The parties should use the caption for Abel to refer to all of the consolidated cases. The parties should jointly call Chambers no later than Friday, March 2, 2012 to set a briefing schedule for the motion to withdraw currently pending in Abel or to indicate that, notwithstanding the Trustees opposition to withdrawal for the reasons he has previously stated, they regard the consolidated cases as indistinguishable from Greiff and Picard v. Blumenthal, 11 Civ. 4293, rendering the Court's decision in those cases applicable. (Signed by Judge Jed S. Rakoff on 2/27/2012) (rjm) (Entered: 02/29/2012)
03/15/2012	18 (15 pgs) Case No.: 10-04438-cgm	Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 03/15/2012)
06/08/2012	19 (15 pgs) Case No.: 10-04438-cgm	Stipulation <i>Extending Time to Respond to July 31, 2012</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 06/08/2012)

Filing Date	ECF No.	Docket Text
07/26/2012	20 (15 pgs) Case No.: 10-04438-cgm	Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 07/26/2012)
09/14/2012	21 (15 pgs) Case No.: 10-04438-cgm	Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 09/14/2012)
01/14/2013	22 (15 pgs) Case No.: 10-04438-cgm	Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 01/14/2013)
03/05/2013	23 (16 pgs) Case No.: 10-04438-cgm	Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 03/05/2013)
04/16/2013	24 (16 pgs) Case No.: 10-04438-cgm	Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 04/16/2013)
05/15/2013	25 (16 pgs) Case No.: 10-04438-cgm	Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 05/15/2013)
08/19/2013	26 (16 pgs) Case No.: 10-04438-cgm	Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 08/19/2013)

5/16/2012	5 Case No.: 1:11-cv- 07965-JSR	<p>CONSENT ORDER GRANTING CERTIFICATION PURSUANT TO FED. R. CIV. P. 54(b) FOR ENTRY OF FINAL JUDGMENT DISMISSING CERTAIN CLAIMS AND ACTIONS: THE COURT THEREFORE FINDS, CONCLUDES AND ORDERS AS FOLLOWS: The reference is deemed withdrawn from the Bankruptcy Court in each of the Eligible Actions for the limited purpose of deciding whether Section 546(e) of the Bankruptcy Code applies, limiting the Trustee's ability to avoid transfers. The entry of final judgment dismissing the Dismissed Claims ("Rule 54(b) Judgment") in the Decided Actions, the Withdrawn 546(e) Actions and the Eligible Actions pursuant to Fed. R. Civ. P. 54(b) is appropriate. To permit entry of final judgment under Fed. R. Civ. P. 54(b), there must be multiple claims or multiple parties, at least one claim finally decided within the meaning of 28 U.S.C. § 1291, and an express determination that there is no just reason for delay. <i>In re Air Crash at Belle Harbor, N.Y.</i>, 490 F.3d 99, 108-09 (2d Cir. 2007). The Rule 54(b) Judgment to be entered will finally decide and ultimately dispose of at least one claim and, in many instances, multiple claims, asserted by the Trustee in each of the Decided Actions and the Withdrawn 546(e) Actions and, to the extent that they do not opt-out of the Rule 54(b) Judgment pursuant to this Order, the Eligible Actions. See <i>Curtiss-Wright Corp. v. General Elec. Co.</i>, 446 U.S. 1 (1980). By reason of the Court's determination that Section 546(e) applies to the Dismissed Claims, any counts in each complaint or amended complaint that seeks avoidance of constructive fraudulent transfers pursuant to Section 548(a)(1)(B) of the Bankruptcy Code, avoidance of actual or constructive fraudulent conveyances pursuant to state avoidance statutes incorporated through Section 544 of the Bankruptcy Code, and/or avoidance of preferences pursuant to Section 547 of the Bankruptcy Code, are finally determined and dismissed against the Trustee. The Trustee's remaining claims are limited only to those that are proceeding under Sections 548(a)(1)(A) and 550(a) of the Bankruptcy Code ("Remaining Claims"), and such claims would not be dismissed by reason of a judgment dismissing the Dismissed Claims. The Dismissed Claims and the Remaining Claims are separable, see <i>Cullen v. Margiotta</i>, 811 F.2d 698, 711 (2d Cir. 1987), and because of the application of Section 546(e) the Remaining Claims by the Trustee can be decided independently of the Dismissed Claims. See <i>Ginett v. Computer Task Group</i>, 962 F.2d 1085, 1094 (2d Cir. 1992). There is no just reason for delay in the entry of final judgment dismissing the Dismissed Claims. In light of the number of adversary proceedings, claims and defendants affected by dismissal of the Dismissed Claims pursuant to the Order, the interests of sound judicial administration and the realization of judicial efficiencies are served by the entry of such final judgment and the opportunity for an immediate appeal. See <i>Advanced Magnetics, Inc. v. Bayfront Partners</i>,</p>
-----------	---	---

Inc., 106 F.3d 11, 16 (2d Cir. 1997) (entry of judgment on certain claims pursuant to Rule 54(b) avoids potentially expensive and duplicative trials). Because the Rule 54(b) Judgment and the dismissal of the Dismissed Claims affect hundreds of adversary proceedings commenced by the Trustee and hundreds of defendants named in those complaints or amended complaints, an immediate appeal would avoid protracted, expensive and potentially duplicative litigation proceedings, and will facilitate the prompt resolution of the case, thereby providing certainty and helping to streamline the litigation for further proceedings and possible appeals. E.g., Consolidated Edison, Inc. v. Northeast Util., 318 F. Supp. 2d 181, 196-97 (S.D.N.Y. 2004); Kramer v. Lockwood Pension Servs., Inc., 653 F. Supp. 2d 354, 397-98 (S.D.N.Y. 2009) (interlocutory appeal appropriate to consider a case of unusual significance "going well beyond run-of-the-mill concerns of parties"); Brown v. Bullock, 294 F.2d 415, 417 (2d Cir. 1961) (Friendly, J.) (interlocutory appeal appropriate where the "determination was likely to have precedential value for a large number of other suits" pending in the District Court). The Eligible Actions, Withdrawn 546(e) Actions, and Decided Actions are consolidated under the action captioned Picard v. Ida Fishman Revocable Trust, No. 11-cv-7603 (JSR) (S.D.N.Y.) (the "Fishman Action"), but solely with respect to and for the purposes of entry of judgment on the Dismissed Claims, and not with respect to the Trustee's claims proceeding under Sections 548(a)(1)(A) and 550(a) of the Bankruptcy Code. The Court will administer the consolidated proceedings under the following caption: (see order). Counsel for the Trustee, SIPC and the lead counsel in the Decided Actions and the Withdrawn 546(e) Actions shall submit an agreed form of the proposed Rule 54(b) Judgment not later than May 21, 2012. If the parties cannot agree on the form of such judgment, each of the Trustee and SIPC, on one hand, and the group of lead counsel for the Decided Actions and the Withdrawn 546(e) Actions, on the other hand, may submit a proposed form of judgment and the Court will consider and determine the form of Rule 54(b) Judgment to be entered. Neither the Trustee nor SIPC shall file any notice of appeal until the expiration of the opt-out period set forth. Any defendant in an Eligible Action or a Withdrawn 546(e) Action shall be entitled to opt-out of the procedures established by this Order and to continue to litigate issues related to Section 546(e) in this Court pursuant to a common briefing schedule and procedure to be separately implemented by the Court. The defendant may opt-out by notifying the Trustee in writing that such defendant does not consent to the entry of a Rule 54(b) Judgment. To be effective and binding, such written election must be received by the Trustee and filed with the District Court in the docket of the Fishman Action not later than fourteen (14) days after the date of entry of this Order. For all other purposes, common briefing on Section 546(e)

Filing Date	ECF No.	Docket Text
		issues will proceed before the District Court pursuant to a separate order of the Court. The defendants in Eligible Actions and Withdrawn 546(e) Actions that do not elect to opt-out under this paragraph shall be deemed to have preserved and made all arguments relating to the application and effect of Section 546(e) of the Bankruptcy Code that were raised in the motions to dismiss in the Decided Actions. (Signed by Judge Jed S. Rakoff on 5/12/2012) (rjm) (Entered: 05/21/2012)
08/04/2014	7 Case No.: 1:11-cv- 07965-JSR	ORDER denying 1 Motion to Withdraw Bankruptcy Reference. On July 10, 2014, the Court issued an Order directing counsel to parties with individual issues not addressed by the Court's decisions in the consolidated withdrawals to inform the Court by letter by July 18, 2014. See ECF No. 552. The Court received several such letters and addressed the issues they raised in separate Orders. Any remaining motions to withdraw the reference are hereby denied and all the adversary proceedings are returned to the Bankruptcy Court. The Clerk of Court is directed to close all the civil cases seeking to withdraw the reference related to this matter. (Signed by Judge Jed S. Rakoff on 8/1/2014) (lmb) (Entered: 08/26/2014)
06/02/2015	39 Case No.: 10-04438- cgm	Written Opinion Signed On 6/2/2015. Re: Memorandum Decision Regarding Omnibus Motions To Dismiss (Greene, Chantel) (Entered: 06/02/2015)
06/02/2015	10089 (86 pgs) Case No.: 08-01789- cgm	Written Opinion Signed On 6/2/2015. Re: Memorandum Decision Regarding Omnibus Motions To Dismiss (Greene, Chantel) (Entered: 06/02/2015)
07/16/2015	10681 (7 pgs) Case No.: 08-01789- cgm	Order Signed On 07/16/2015 Re: Granting In Part And Denying In Part Defendants Motions To Dismiss (Greene, Chantel) (Entered: 07/16/2015)
07/16/2015	42 Case No.: 10-04438- cgm	Order Signed On 07/16/2015 Re: Granting In Part And Denying In Part Defendants Motions To Dismiss (Greene, Chantel). (Entered: 07/16/2015)

Filing Date	ECF No.	Docket Text
09/16/2015	43 Case No.: 10-04438-cgm	Answer to Complaint (Related Doc # 1) (related document(s)1) filed by Helen Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Chaitman, Helen) (Entered: 09/16/2015)
11/25/2015	12137 (200 pgs; 3 docs) Case No.: 08-01789-cgm	Declaration of Bruce G. Dubinsky (09-01182) (related document(s)12131) filed by David J. Sheehan on behalf of Irving H. Picard. (Attachments: # 1 Exhibit 1 # 2 Exhibit 2) (Sheehan, David) (Entered: 11/25/2015)
08/12/2016	13876 (90 pgs) Case No.: 08-01789-cgm	Supplemental Memorandum of Law in Support of Trustee's Motion Affirming Treatment of Profit Withdrawal Transactions (related document(s)10660) filed by Seanna Brown on behalf of Irving H. Picard. (Brown, Seanna) (Entered: 08/12/2016)
08/29/2016	70 (270 pgs; 9 docs) Case No.: 10-04995-cgm	Declaration filed by Helen Davis Chaitman on behalf of Sara Seims, as trustee of the Trust u/art Fourth o/w/o Israel Wilenitz, Trust u/art Fourth o/w/o Israel Wilenitz, Evelyn Berezin Wilenitz, individually, and as trustee and beneficiary of the Trust u/art Fourth o/w/o Israel Wilenitz. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D # 5 Exhibit E # 6 Exhibit F # 7 Exhibit G # 8 Exhibit H) (Chaitman, Helen) (Entered: 08/29/2016)

Filing Date	ECF No.	Docket Text
02/27/2017	26 Case No. 16-cv-05513	CLERK'S JUDGMENT: It is, ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum Order dated February 24, 2017, judgment is entered in the amount of \$1,143,461.00 against the Defendant; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 2/27/2017) (Attachments: # 1 Right to Appeal, # 2 Right to Appeal)(km) (Entered: 02/27/2017)
02/08/2019	30 Case No. 18-cv-05381	CLERK'S JUDGMENT re: 29 Memorandum & Opinion. in favor of Irving H. Picard against Turtle Cay Partners; in favor of Irving H. Picard against Coldbrook Associates Partnership; in favor of Irving H. Picard against The Estate of Marianne Lowrey, James Lowrey in the amount of \$ 9,520,673.00. It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinion and Order dated February 7, 2019, the Bankruptcy Court's Recommendation is adopted in full; the Trustee's motion for summary judgment is granted and Defendants' cross-motion for summary judgment is denied, and judgment is entered as set forth on Page 8, footnote 2 of the Opinion and Order dated February 7, 2019, as follows: The Trustee seeks to recover the following from each defendant: 1. Turtle Cay Partners: \$7,845,089. See Lowrey Stip. 17-24. Adv. Pro. No. 10-043872. Coldbrook Associates Partnership: \$1,093,402. See id. 25-32. Adv. Pro. No. 10-043873. James Lowrey and Marianne Lowrey: \$582,182. See id. 26-40. Adv. Pro. No. 10-043874. South Ferry Defendants: \$6,620,000. See South Ferry Stip. 17-26. Adv. Pro. No. 10-04488.5. South Ferry #2 Defendants: \$21,955.000. See South Ferry #2 Stip. 17-26. Adv. Pro. No. 10-04350.6. Mesora: \$3,200,000. See Mesora Stip. 16. Adv. Pro. No. 10-05110. (Signed by Clerk of Court Ruby Krajick on 02/08/2019) (Attachments: # 1 Notice of Right to Appeal)(dt) (Main Document 30 replaced on 2/8/2019) (dt). (Entered: 02/08/2019)
03/14/2019	87 Case No.: 10-04438-cgm	Order Signed On 3/6/2019 Re: Granting In Part And Denying In Part Trustees Motion For Limited Additional Discovery (Barrett, Chantel). (Entered: 03/14/2019)
05/08/2019	Adv. Pro. Nos. 10-04377 and 10-04658 (SMB)	Transcript of Trial before Hon. Stuart M. Bernstein, Picard v. Nelson, Adv. Pro. Nos. 10-04377 and 10-04658 (SMB), May 8, 2019

Filing Date	ECF No.	Docket Text
05/09/2019	Adv. Pro. Nos. 10-04377 and 10-04658 (SMB)	Transcript of Trial before Hon. Stuart M. Bernstein, Picard v. Nelson, Adv. Pro. Nos. 10-04377 and 10-04658 (SMB), May 9, 2019
02/14/2020	95 Case No.: 10-04438-cgm	Motion to Withdraw the Reference filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Shelburne Shirt Company, Inc.. (Attachments: # 1 Proposed Order # 2 Memorandum of Law in Support of Defendants' Motion to Withdraw the Reference # 3 Declaration of Helen Davis Chaitman # 4 Exhibit A # 5 Exhibit B) (Chaitman, Helen) (Entered: 02/14/2020)
02/18/2020	1 Case No.: 20-cv-01377-ghw	MOTION TO WITHDRAW THE BANKRUPTCY REFERENCE. Bankruptcy Court Case Numbers: 10-4438A, 08-1789A (SMB). Document filed by Estate of Seymour Epstein, Shelburne Shirt Company, Inc., Muriel Epstein. (Attachments: # 1 Defendants Memorandum of Law In Support, # 2 Declaration of Helen Davis Chaitman, # 3 Exhibit A, # 4 Exhibit B, # 5 Proposed Order).(bkar) (Entered: 02/18/2020)
02/19/2020	4 Case No.: 20-cv-01377-ghw	ORDER re: 1 MOTION TO WITHDRAW THE BANKRUPTCY REFERENCE. Bankruptcy Court Case Numbers: 10-4438A, 08-1789A (SMB). filed by Shelburne Shirt Company, Inc., Estate of Seymour Epstein, Muriel Epstein. On February 18, 2020, Defendants submitted a motion to withdraw the bankruptcy referee. Dkt No. 1. Plaintiff is directed to file its opposition to the motion no later than March 12, 2020. Defendants' reply, if any, is due one week following service of Plaintiff's opposition., Responses due by 3/12/2020 (Signed by Judge Gregory H. Woods on 2/19/2020) (rj) (Entered: 02/20/2020)
03/06/2020	5 Case No.: 20-cv-01377-ghw	LETTER addressed to Judge Gregory H. Woods from Helen D. Chaitman dated March 6, 2020 re: Consent to Withdraw the Reference from the Bankruptcy Court. Document filed by Muriel Epstein, Estate of Seymour Epstein, Herbert C. Kantor, Shelburne Shirt Company, Inc.. (Attachments: # 1 Text of Proposed Order).(Chaitman, Helen) (Entered: 03/06/2020)

Filing Date	ECF No.	Docket Text
03/09/2020	6 Case No.: 20-cv-01377- ghw	ORDER. On March 6, 2020, the parties submitted a proposed order on consent to withdraw the reference from the Bankruptcy Court. That order has not been signed by the parties. The parties are directed to resubmit their proposed order with appropriate signatures. (HEREBY ORDERED by Judge Gregory H. Woods) (Text Only Order) (Daniels, Anthony) (Entered: 03/09/2020)
03/09/2020	7 Case No.: 20-cv-01377- ghw	PROPOSED ORDER. Document filed by Muriel Epstein, Estate of Seymour Epstein, Shelburne Shirt Company, Inc.. Related Document Number: 5 ..(Chairman, Helen) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 03/09/2020)
03/17/2020	Adv. Pro. No. 10-04889	Excerpts of Transcript of Hearing before Hon. Stuart M. Bernstein, Picard v. Savin, Adv. Pro. No. 10-04889 (CGM), March 17, 2020
06/08/2020	8 Case No.: 20-cv-01377- ghw	ORDER: On February 18, 2020, Defendants submitted a motion to withdraw the bankruptcy reference. Dkt No. 1. The Court understands that Plaintiff intends to move for summary judgment on at least some claims in the underlying action. The Court thus declines to withdraw the bankruptcy reference and will instead refer the proposed motion for summary judgment for proposed findings of fact and conclusions of law. (Signed by Judge Gregory H. Woods on 6/8/2020) (mro) (Entered: 06/09/2020)
07/17/2020	9 Case No.: 20-cv-01377- ghw	ORDER denying 1 Motion to Withdraw Bankruptcy Reference. In light of the Court's prior order, Dkt No. 8, the motion to withdraw the bankruptcy reference, Dkt No. 1, is denied without prejudice. (HEREBY ORDERED by Judge Gregory H. Woods)(Text Only Order) (Daniels, Anthony) (Entered: 07/17/2020)
07/22/2020	10 Case No.: 20-cv-01377- ghw	LETTER addressed to Judge Gregory H. Woods from Helen Davis Chaitman dated July 22, 2020 re: Defendants' Motion. Document filed by Randy Epstein Austin, Jane Epstein, Muriel Epstein, Robert Epstein, Estate of Seymour Epstein, Susan Epstein Gross, Herbert C. Kantor, Shelburne Shirt Company, Inc...(Chairman, Helen) (Entered: 07/22/2020)

Filing Date	ECF No.	Docket Text
07/22/2020	11 Case No.: 20-cv-01377- ghw	MEMO ENDORSEMENT on re: 10 Letter, filed by Shelburne Shirt Company, Inc., Jane Epstein, Susan Epstein Gross, Randy Epstein Austin, Estate of Seymour Epstein, Robert Epstein, Herbert C. Kantor, Muriel Epstein. ENDORSEMENT: Defendants are directed to submit a pre- motion conference letter more fully setting out the bases for the proposed motion. The letter should address why the Court should not refer the proposed motion to dismiss to the bankruptcy court for a report and recommendation. The Court expects that Plaintiff will submit a responsive letter after Defendants have submitted their pre-motion conference letter. (Signed by Judge Gregory H. Woods on 7/22/2020) (mro) (Entered: 07/23/2020)
07/24/2020	12 Case No.: 20-cv-01377- ghw	LETTER addressed to Judge Gregory H. Woods from Helen Davis Chaitman dated July 24, 2020 re: in accordance with this Courts order dated July 22, 2020 (ECF No. 11). Document filed by Randy Epstein Austin, Jane Epstein, Muriel Epstein, Robert Epstein, Estate of Seymour Epstein, Susan Epstein Gross, Herbert C. Kantor, Shelburne Shirt Company, Inc...(Chaitman, Helen) (Entered: 07/24/2020)
07/27/2020	13 Case No.: 20-cv-01377- ghw	LETTER addressed to Judge Gregory H. Woods from Nicholas J. Cremona dated July 27, 2020 re: Response to Defendants' Letter dated July 24, 2020. Document filed by Irving H. Picard.. (Cremona, Nicholas) (Entered: 07/27/2020)
07/30/2020	15 Case No.: 20-cv-01377- ghw	ORDER. As discussed on the record during the telephone conference held on July 29, 2020, Plaintiff's motion to withdraw the reference to the bankruptcy court and accompanying papers is due by August 10, 2020. Defendant's opposition is due two weeks following service of Plaintiff's motion. Plaintiff's reply is due one week following service of Defendant's opposition. (HEREBY ORDERED by Judge Gregory H. Woods) (Text Only Order) (Daniels, Anthony) (Entered: 07/30/2020)
08/12/2020	16 Case No.: 20-cv-01377- ghw	LETTER addressed to Judge Gregory H. Woods from Helen Davis Chaitman dated August 12, 2020 re: Bankruptcy Court Proceedings. Document filed by Randy Epstein Austin, Jane Epstein, Muriel Epstein, Robert Epstein, Estate of Seymour Epstein, Susan Epstein Gross, Herbert C. Kantor, Shelburne Shirt Company, Inc...(Chaitman, Helen) (Entered: 08/12/2020)

Filing Date	ECF No.	Docket Text
08/12/2020	17 Case No.: 20-cv-01377- ghw	MEMO ENDORSEMENT on 16 Letter filed by Randy Epstein Austin, Jane Epstein, Muriel Epstein, Robert Epstein, Estate of Seymour Epstein, Susan Epstein Gross, Herbert C. Kantor, Shelburne Shirt Company, Inc. ENDORSEMENT: In light of Defendants' decision not to bring a motion to withdraw the bankruptcy reference, there is nothing more for this Court to do in this case. Accordingly, the Court dismisses the case without prejudice under Federal Rule of Civil Procedure 41(a)(2). The Clerk of Court is directed to terminate all pending motions and to close this case. (Signed by Judge Gregory H. Woods on 8/12/2020) (mro) (Entered: 08/13/2020)
06/09/2020	101 (7 pgs; 3 docs) Case No.: 10-04438- cgm	Letter to Judge Bernstein requesting Rule 7056-1(a) pre-motion conference Filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit A - Meisels Order # 2 Exhibit B - Epstein Order)(Cremona, Nicholas) (Entered: 06/09/2020)
06/10/2020	103 (13 pgs; 2 docs) Case No.: 10-04438- cgm	Letter in response to Trustee's June 9, 2020 letter (10-04428 and 10-04438) Filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Exhibit A)(Chaitman, Helen) (Entered: 06/10/2020)
06/15/2020	105 (2 pgs) Case No.: 10-04438- cgm	Letter to Judge Bernstein regarding Rule 7056-1(a) pre-motion conference (related document(s)103, 101) Filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Cremona, Nicholas) (Entered: 06/15/2020)

Filing Date	ECF No.	Docket Text
07/27/2020	107 (8 pgs; 3 docs) Case No.: 10-04438-cgm	Letter to Judge Bernstein regarding status of adversary proceeding Filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit A # 2 Exhibit B)(Cremona, Nicholas) (Entered: 07/27/2020)
07/30/2020	109 (3 pgs) Case No.: 10-04438-cgm	Order Signed On 7/30/2020 Re: Setting Deadlines For Trustees Motion For Summary Judgment And Defendants Cross-Motion To Dismiss For Lack Of Subject Matter Jurisdiction. (Barrett, Chantel) (Entered: 07/30/2020)
07/31/2020	110 (32 pgs) Case No.: 10-04438-cgm	Transcript regarding Hearing Held on 7/29/20 at 10:00 AM RE: Pre-Motion Conference. Remote electronic access to the transcript is restricted until 10/29/2020. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Legal Solutions.]. (See the Courts Website for contact information for the Transcription Service Agency.). Notice of Intent to Request Redaction Deadline Due By 8/7/2020. Statement of Redaction Request Due By 8/21/2020. Redacted Transcript Submission Due By 8/31/2020. Transcript access will be restricted through 10/29/2020. (Cales, Humberto) (Entered: 08/06/2020)
08/14/2020	111 Case No.: 10-04438-cgm	(Entered in Error. See Document #112.) Order of U.S. District Court Judge Gregory H. Woods signed on 8/12/2020. In light of Defendants' decision not to bring a motion to withdraw the bankruptcy reference, there is nothing more for this Court to do in this case. Accordingly, the Court dismisses the case without prejudice under Federal Rule of Civil Procedure 41(a)(2)(related document(s)95) (Foley, Christine) Modified on 8/18/2020 (Rouzeau, Anatin). (Entered: 08/14/2020)
08/18/2020	112 (1 pg) Case No.: 10-04438-cgm	Copy of Order of U.S. District Court Judge Gregory Woods signed on 8/12/2020. The District Court dismisses the case without prejudice. (related document(s)95) (Rouzeau, Anatin) (Entered: 08/18/2020)

Filing Date	ECF No.	Docket Text
09/04/2020	113 (3 pgs) Case No.: 10-04438-cgm	Motion for Summary Judgment / <i>Notice of Motion for Summary Judgment</i> filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. with hearing to be held on 11/18/2020 at 10:00 AM at Courtroom 723 (SMB) (Cremona, Nicholas) (Entered: 09/04/2020)
09/04/2020	114 (45 pgs) Case No.: 10-04438-cgm	Motion for Summary Judgment / <i>Trustees Memorandum of Law in Support of Motion for Summary Judgment</i> (related document(s)113) filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Cremona, Nicholas) (Entered: 09/04/2020)
09/04/2020	115 (33 pgs) Case No.: 10-04438-cgm	Motion for Summary Judgment / <i>Trustees Statement of Material Facts in Support of Motion for Summary Judgment</i> (related document(s)114, 113) filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Cremona, Nicholas) (Entered: 09/04/2020)
09/04/2020	116 (579 pgs; 13 docs) Case No.: 10-04438-cgm	Declaration / <i>Declaration of Nicholas J. Cremona in Support of Trustees Motion for Summary Judgment</i> (related document(s)115, 113, 114) filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Ex. 1 # 2 Ex. 2 # 3 Ex. 3 # 4 Ex. 4 # 5 Ex. 5 # 6 Ex. 6 # 7 Ex. 7 # 8 Ex. 8 # 9 Ex. 9 # 10 Ex. 10 # 11 Ex. 11 # 12 Ex. 12) (Cremona, Nicholas) (Entered: 09/04/2020)
09/04/2020	117 (166 pgs; 29 docs) Case No.: 10-04438-cgm	Declaration / <i>Declaration of Lisa M. Collura, CPA, CFE, CFF</i> (related document(s)115, 113, 114) filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Attach. A # 2 Ex. 1 # 3 Ex. 2 # 4 Ex. 3 # 5 Ex. 4 # 6 Ex. 5 # 7 Ex. 6 # 8 Ex. 7 # 9 Ex. 8.1 # 10 Ex. 8.2 # 11 Ex. 9 # 12 Ex. 10 # 13 Ex. 11 # 14 Ex. 12 # 15 Ex. 13 # 16 Ex. 14 # 17 Ex. 15 # 18 Ex. 16 # 19 Ex. 17 # 20 Ex. 18 # 21 Attach. B # 22 Ex. 1 # 23 Ex. 2 # 24 Ex. 3 # 25 Ex. 4 # 26 Ex. 5 # 27 Ex. 6 # 28 Attach. C) (Cremona, Nicholas) (Entered: 09/04/2020)

Filing Date	ECF No.	Docket Text
09/04/2020	118 (1377 pgs; 42 docs)	Declaration /Declaration of Bruce G. Dubinsky, MST, CPA, CFE, CVA, CFF, CAMS, MAFF (related document(s)115, 113, 114) filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Attach. A # 2 Appx. A (1) # 3 Appx. A (2) # 4 Appx. B (1) # 5 Appx. B (2) # 6 Ex. 1 # 7 Ex. 2 # 8 Ex. 3 # 9 Ex. 4 # 10 Ex. 5 # 11 Ex. 6 # 12 Ex. 7 # 13 Ex. 8 # 14 Ex. 9 # 15 Ex. 10 # 16 Ex. 11 # 17 Ex. 12 # 18 Ex. 13 # 19 Ex. 14 # 20 Ex. 15 # 21 Ex. 16 # 22 Ex. 17 # 23 Ex. 18 # 24 Ex. 19 # 25 Ex. 20 # 26 Ex. 21 # 27 Ex. 22 # 28 Ex. 23 # 29 Ex. 24 # 30 Ex. 25 # 31 Ex. 26 # 32 Ex. 27 # 33 Ex. 28 # 34 Ex. 29 # 35 Ex. 30 # 36 Ex. 31 # 37 Ex. 32 # 38 Ex. 33 # 39 Ex. 34 # 40 Ex. 35 # 41 Attach. B) (Cremona, Nicholas) (Entered: 09/04/2020)
09/04/2020	119 (101 pgs; 20 docs) Case No.: 10-04438- cgm	Declaration /Declaration of Matthew B. Greenblatt, CPA/CFF, CFE (related document(s)115, 113, 114) filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Attach. A # 2 Ex. 1 # 3 Ex. 2 # 4 Ex. 3 # 5 Ex. 4 # 6 Ex. 5 # 7 Ex. 6 # 8 Ex. 7 # 9 Ex. 8 # 10 Attach. B # 11 Ex. 1 # 12 Ex. 2 # 13 Ex. 3A # 14 Ex. 3B # 15 Ex. 4A # 16 Ex. 4B # 17 Ex. 5 # 18 Ex. 6 # 19 Attach. C) (Cremona, Nicholas) (Entered: 09/04/2020)
10/09/2020	121 (3 pgs) Case No.: 10-04438- cgm	Cross Motion for Summary Judgment filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Chaitman, Helen) (Entered: 10/09/2020)

Filing Date	ECF No.	Docket Text
10/09/2020	122 (50 pgs) Case No.: 10-04438-cgm	Memorandum of Law <i>in Opposition to the Trustees Motion for Summary Judgment and in Support of Defendants Cross-Motion for Summary Judgment Dismissing the Complaint</i> (related document(s)121) filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Chaitman, Helen) (Entered: 10/09/2020)
10/09/2020	123 (67 pgs) Case No.: 10-04438-cgm	Response to Motion <i>Opposition and Response to Trustees Rule 56.1 Statement of Material Facts</i> (related document(s)115) filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Chaitman, Helen) (Entered: 10/09/2020)

Filing Date	ECF No.	Docket Text
10/09/2020	124 (22 pgs) Case No.: 10-04438-cgm	Counter Statement of <i>Material Facts in Opposition to the Trustees Motion for Summary Judgment and in Support of Defendants Cross-Motion for Summary Judgment Dismissing the Complaint</i> filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Chaitman, Helen) (Entered: 10/09/2020)

Filing Date	ECF No.	Docket Text
10/09/2020	125 (1016 pgs; 48 docs) Case No.: 10-04438- cgm	Declaration of <i>Helen Davis Chaitman in Opposition to the Trustees Motion for Summary Judgment and in Support of Defendants Cross-Motion for Summary Judgment Dismissing the Complaint</i> (related document(s)121) filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C.Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D # 5 Exhibit E # 6 Exhibit F # 7 Exhibit G # 8 Exhibit H # 9 Exhibit I # 10 Exhibit J # 11 Exhibit K # 12 Exhibit L # 13 Exhibit M # 14 Exhibit N # 15 Exhibit O # 16 Exhibit P # 17 Exhibit Q # 18 Exhibit R # 19 Exhibit S # 20 Exhibit T # 21 Exhibit U # 22 Exhibit V # 23 Exhibit W # 24 Exhibit X # 25 Exhibit Y # 26 Exhibit Z # 27 Exhibit AA # 28 Exhibit AB # 29 Exhibit AC # 30 Exhibit AD # 31 Exhibit AE # 32 Exhibit AF # 33 Exhibit AG # 34 Exhibit AH # 35 Exhibit AI # 36 Exhibit AJ # 37 Exhibit AK # 38 Exhibit AL # 39 Exhibit AM # 40 Exhibit AN # 41 Exhibit AO # 42 Exhibit AP # 43 Exhibit AQ # 44 Exhibit AR # 45 Exhibit AS # 46 Exhibit AT # 47 Exhibit AU) (Chaitman, Helen) (Entered: 10/09/2020)
10/30/2020	129 (29 pgs) Case No.: 10-04438- cgm	Memorandum of Law / <i>Trustees Reply Memorandum of Law in Further Support of Motion for Summary Judgment</i> filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Cremona, Nicholas) (Entered: 10/30/2020)
10/30/2020	130 (50 pgs) Case No.: 10-04438- cgm	Declaration / <i>Trustees Responses and Objections to Defendants' Counterstatement of Material Facts</i> filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Cremona, Nicholas) (Entered: 10/30/2020)

Filing Date	ECF No.	Docket Text
10/30/2020	131 (68 pgs; 3 docs) Case No.: 10-04438-cgm	Declaration /Declaration of Seanna R. Brown in Further Support of Trustees Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit 1 # 2 Exhibit 2) (Cremona, Nicholas) (Entered: 10/30/2020)
11/06/2020	136 (27 pgs) Case No.: 10-04438-cgm	Reply to Motion Defendants Reply Memorandum of Law in Further Support of Their Cross-Motion for Summary Judgment Dismissing the Complaint filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Chaitman, Helen) (Entered: 11/06/2020)
01/27/2021	155 (11 pgs) Case No.: 10-04438-cgm	Memorandum Decision Granting Summary Judgment in Favor of Trustee, Determining Funds Held in the Bank Accounts are Customer Property, and Awarding Prejudgment Interest signed on 1/27/2021. (related document(s)113) (DuBois, Linda) (Entered: 01/27/2021)

Filing Date	ECF No.	Docket Text
02/02/2021	156 (2 pgs) Case No.: 10-04438-cgm	Letter to the Honorable Cecelia G. Morris (related document(s)155) Filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Chaitman, Helen) (Entered: 02/02/2021)
02/03/2021	157 (74 pgs; 5 docs) Case No.: 10-04438-cgm	Letter to Chief Judge Morris regarding Epstein Judgment Filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Attachment A # 2 Attachment B # 3 Attachment C # 4 Attachment D)(Cremona, Nicholas) (Entered: 02/03/2021)
02/04/2021	158 (12 pgs; 2 docs) Case No.: 10-04438-cgm	Judgment signed on 2/4/2021. (DuBois, Linda) Additional attachment(s) with JUDGEMENT INDEX NUMBER BC 21,0005 added on 2/22/2021 (Rouzeau, Anatin). Modified on 2/22/2021 (Rouzeau, Anatin). (Entered: 02/04/2021)

Filing Date	ECF No.	Docket Text
02/04/2021	159 (20 pgs; 3 docs) Case No.: 10-04438- cgm	Letter to Honorable Cecelia G. Morris (related document(s)157) Filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Exhibit A # 2 Exhibit B)(Chaitman, Helen) (Entered: 02/04/2021)
02/05/2021	160 (15 pgs) Case No.: 10-04438- cgm	Motion to Stay <i>Memorandum of Law in Support of Motion for Relief From Judgment, Consideration of Objections, Entry of Counter-Proposed Order and Stay of Judgment Pending Appeal</i> filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Chaitman, Helen) (Entered: 02/05/2021)

Filing Date	ECF No.	Docket Text
02/05/2021	161 (44 pgs; 8 docs) Case No.: 10-04438- cgm	Declaration of <i>Helen Davis Chaitman</i> (related document(s)160) filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D # 5 Exhibit E # 6 Exhibit F # 7 Exhibit G) (Chaitman, Helen) (Entered: 02/05/2021)
02/05/2021	162 (3 pgs) Case No.: 10-04438- cgm	Motion to Stay <i>Notice of Motion for Relief From Judgment, Consideration of Objections, Entry of Counter-Proposed Order and Stay of Judgment Pending Appeal</i> (related document(s)160) filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Chaitman, Helen) (Entered: 02/05/2021)

Filing Date	ECF No.	Docket Text
02/24/2021	164 (25 pgs) Case No.: 10-04438-cgm	Memorandum of Law / <i>Trustees Memorandum of Law in Opposition to Defendants Motion for Relief from Judgment, Consideration of Objections, Entry of Counter-Proposed Order and Stay of Judgment Pending Appeal</i> filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Cremona, Nicholas) (Entered: 02/24/2021)
02/24/2021	165 (37 pgs; 3 docs) Case No.: 10-04438-cgm	Declaration / <i>Declaration of Nicholas J. Cremona in Support of Trustees Memorandum of Law in Opposition to Defendants Motion for Relief from Judgment, Consideration of Objections, Entry of Counter-Proposed Order and Stay of Judgment Pending Appeal</i> (related document(s)164) filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit 1 # 2 Exhibit 2) (Cremona, Nicholas) (Entered: 02/24/2021)
02/26/2021	167 (12 pgs; 2 docs) Case No.: 10-04438-cgm	Memorandum of Law <i>Defendants' Memorandum of Law in Further Support of their Motion for Relief from a Judgment, Consideration of Objections, Entry of Counter-Proposed Order and Stay of Judgment Pending Appeal</i> (related document(s)162) filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Certificate of Service) (Chaitman, Helen) (Entered: 02/26/2021)
03/03/2021	168 (4 pgs) Case No.: 10-04438-cgm	Order Denying Motion to Reargue and Denying Stay Pending Appeal signed on 3/3/2021. (related document(s)160) (DuBois, Linda) (Entered: 03/03/2021)

Filing Date	ECF No.	Docket Text
03/03/2021	169 (10 pgs) Case No.: 10-04438-cgm	Memorandum Decision Denying Motion to Reargue and Denying Stay Pending Appeal signed on 3/3/2021. (related document(s)160) (DuBois, Linda) (Entered: 03/03/2021)
03/15/2021	172 (8 pgs; 2 docs) Case No.: 10-04438-cgm	Notice of Appeal (related document(s)158) filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Judgment entered February 4, 2021)(Chaitman, Helen) (Entered: 03/15/2021)
03/24/2021	46 Case No.: 20-cv-03140-JGK	MEMORANDUM OPINION AND ORDER re: 15 MOTION for Summary Judgment filed by Irving H. Picard. The Court has considered all of the arguments raised by the parties. To the extent not specifically addressed, the arguments are either moot or without merit. For the reasons discussed, the Trustee's motion for summary judgment is granted and the defendants' motion for summary judgment is denied. The Trustee is entitled to judgment in the amount of \$625,551. The Trustee is also entitled to prejudgment interest at a rate or 4%, from November 12, 2010 through the date of entry of judgment. The Clerk is directed to enter judgment accordingly. The Clerk is also directed to close all pending motions and to close this case. SO ORDERED. (Signed by Judge John G. Koeltl on 3/24/2021) (ks) Transmission to Orders and Judgments Clerk for processing. (Entered: 03/24/2021)

Filing Date	ECF No.	Docket Text
03/24/2021	41 <i>Picard v. JABA Assoc.</i> Case No. 20-cv-03836	OPINION AND ORDER re: 20 CROSS MOTION for Summary Judgment . filed by Audrey Goodman, Bruce Goodman, JABA Associates LP, Andrew Goodman, Audrey M. Goodman, Goodman Charitable Foundation, The Estate of James Goodman, 11 MOTION for Summary Judgment . filed by Irving H. Picard. The Court has considered all of the arguments raised by the parties. To the extent not specifically addressed, the arguments are either moot or without merit. For the reasons discussed, the Trustee's motion for summary judgment is granted and the defendants' motion for summary judgment is denied. The Trustee is entitled to judgment in the amount of \$2,925,000. The Trustee is also entitled to prejudgment interest at a rate or 4%, from November 12, 2010 through the date of entry of judgment. The Clerk is directed to enter judgment accordingly. The Clerk is also directed to close all pending motions and to close this case. SO ORDERED. (Signed by Judge John G. Koeltl on 3/24/2021) (ks) Transmission to Orders and Judgments Clerk for processing. (Entered: 03/24/2021)

Dated: May 28, 2021
New York, New York

CHAITMAN LLP

By: /s/ Helen Davis Chaitman

Helen Davis Chaitman, Esq.
465 Park Ave.
New York, New York 10022
Telephone: (888) 759-1114
Facsimile: (888) 759-1114
hchaitman@chaitmanllp.com
Attorneys for Appellants

CERTIFICATE OF SERVICE

I, Helen Davis Chaitman, hereby certify that I caused a true and correct copy of the foregoing documents(s) to be served upon the parties in this action who receive electronic service through CM/ECF. I certify under penalty of perjury that the foregoing is true and correct.

Dated: May 28, 2021

/s/ Helen Davis Chaitman